

Amy B. Vandeveld, SBN 137904  
LAW OFFICES OF AMY B. VANDEVELD  
1850 Fifth Avenue, Suite 22  
San Diego, California 92101  
Telephone: (619) 231-8883  
Facsimile: (619) 231-8329

Attorney for Plaintiff

FILED  
07 DEC 20 PM 4:22  
CLERK, U.S. DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

BY: *A*

DEPUTY

IN THE UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

KAREL SPIKES,

Plaintiff,

vs.

EUROPEAN CAR SERVICE; ANDREW  
MACIEJEWSKI; ZENNON SMOCZYNSKI and  
DOES 1 THROUGH 10, Inclusive,  
Defendants.

Case No.:

**07 CV 2394 LAB WMC**  
**CIVIL COMPLAINT**

DEMAND FOR JURY TRIAL  
[F.R.C.P. §38(b);  
Local Rule 38.1]

Plaintiff, KAREL SPIKES (hereinafter referred to as  
"Plaintiff"), file this cause of action against Defendants  
EUROPEAN CAR SERVICE, ANDREW MACIEJEWSKI, ZENNON SMOCZYNSKI and  
DOES 1 THROUGH 10, Inclusive, and would show unto the Court the  
following:

**I.**

**JURISDICTION AND VENUE**

1. This Court has original jurisdiction of this civil  
action pursuant to 28 USC §1331, 28 USC §§1343(a)(3) and  
1343(a)(4) for claims arising under the Americans with  
Disabilities Act of 1990, 42 USC §12101 et seq. and the Court's  
supplemental jurisdiction, 28 USC §1367.

2. Venue in this Court is proper pursuant to 28 USC §§1391(b) and (c).

3. Pursuant to 28 USC §1367(a), Plaintiff shall assert all causes of action based on state law, as plead in this complaint, under the supplemental jurisdiction of the federal court. All the causes of action based on federal law and those based on state law, as herein stated, arose from a common nucleus of operative fact. That is, Plaintiff was denied equal access to Defendants' facilities, goods, and/or services in violation of both federal and state laws and/or was injured due to violations of federal and state access laws. The state actions of Plaintiff are so related to the federal actions that they form part of the same case or controversy. The actions would ordinarily be expected to be tried in one judicial proceeding.

## II.

## THE PARTIES

4. Defendant EUROPEAN CAR SERVICE is, and at all times mentioned herein was, a business or corporation or franchise organized and existing and/or doing business under the laws of the State of California. EUROPEAN CAR SERVICE is located at 8855 La Mesa Boulevard, La Mesa, CA (hereinafter "the subject property".) Plaintiff is informed and believes and thereon alleges that Defendant EUROPEAN CAR SERVICE is, and at all times mentioned herein was, the owner, lessor or lessee of the subject property and/or the owner and/or operator of the public accommodation located at the subject property.

5. Defendant ANDREW MACIEJEWSKI is, and at all times mentioned herein was, an individual residing in and/or doing

1 business under the laws of the State of California. Plaintiff is  
2 informed and believes and thereon alleges that Defendant ANDREW  
3 MACIEJEWSKI is, and at all times mentioned herein was, the owner,  
4 lessor or lessee of the subject property.

5 6. Defendant ZENNON SMOCZYNSKI is, and at all times  
6 mentioned herein was, an individual residing in and/or doing  
7 business under the laws of the State of California. Plaintiff is  
8 informed and believes and thereon alleges that Defendant ZENNON  
9 SMOCZYNSKI is, and at all times mentioned herein was, the owner,  
10 lessor or lessee of the subject property.

11 7. Plaintiff is informed and believes, and thereon  
12 alleges, that Defendants and each of them herein were, at all  
13 times relevant to the action, the owners, franchisees, lessees,  
14 general partners, limited partners, agents, employees,  
15 employers, representing partners, subsidiaries, parent  
16 companies, joint venturers and/or divisions of the remaining  
17 Defendants and were acting within the course and scope of that  
18 relationship. Plaintiff is further informed and believes, and  
19 thereon alleges, that each of the Defendants herein gave  
20 consent to, ratified, and/or authorized the acts alleged herein  
21 of each of the remaining Defendants.

22 8. Plaintiff is an otherwise qualified disabled  
23 individual as provided in the Americans with Disabilities Act  
24 of 1990, 42 USC §12102, Part 5.5 of the California Health &  
25 Safety Code and the California Unruh Civil Rights Act, §§51, et  
26 seq., 52, et seq., the California Disabled Persons Act, §§54,  
27 et seq., and other statutory measures which refer to the  
28 protection of the rights of "physically disabled persons."

1 Plaintiff visited the public accommodation owned and/or  
2 operated by Defendants and/or located at the subject property  
3 for the purpose of availing himself of the goods, services,  
4 facilities, privileges, advantages, or accommodations operated  
5 and/or owned by Defendants and/or located on the subject  
6 property.

7 9. Plaintiff is informed and believes and thereon alleges  
8 that the subject facility has been newly constructed and/or  
9 underwent remodeling, repairs, or alterations since 1971, and  
10 that Defendants have failed to comply with California access  
11 standards which applied at the time of each such new  
12 construction and/or alteration.

13 **III.**

14 **FACTS**

15 10. Plaintiff has a mobility impairment and uses a  
16 wheelchair. Moreover, he has had a history of or has been  
17 classified as having a physical impairment, as required by 42  
18 USC §12102(2)(A).

19 11. On or about July 10, 2007 and continuing through the  
20 present date, Plaintiff was denied full and equal access to the  
21 facilities owned and/or operated by the Defendants because the  
22 facility and/or subject property were inaccessible to members  
23 of the disabled community who use wheelchairs for mobility.  
24 Plaintiff was denied full and equal access to portions of the  
25 property because of barriers which included, but are not  
26 limited to, inaccessible path of travel and lack of accessible  
27 parking space, as well as, lack of signage for said space.  
28 Plaintiff was also denied full and equal access because of

1 discriminatory policies and practices regarding accommodating  
2 people with disabilities. Plaintiff filed this lawsuit to  
3 compel compliance with access laws and regulations.

4 12. As a result of Defendants' failure to remove  
5 architectural barriers, Plaintiff suffered injuries. People  
6 with disabilities, because of the existing barriers, are denied  
7 full and equal access to the Defendants' facilities. The ADA  
8 has been in effect for more than 16 years. Given the vast  
9 availability of information about ADA obligations, including  
10 FREE documents which are available from the U.S. Department of  
11 Justice by calling (800) 514-0301 or at the following web  
12 sites: [www.sba.gov/ada/smbusgd.pdf](http://www.sba.gov/ada/smbusgd.pdf), [www.ada.gov/taxpack.pdf](http://www.ada.gov/taxpack.pdf) and  
13 [www.usdoj.gov/crt/ada](http://www.usdoj.gov/crt/ada), the failure of Defendants to comply with  
14 their barrier removal obligations is contemptible.

15 13. Plaintiff is an otherwise qualified individual as  
16 provided in the Americans with Disabilities Act of 1990, 42 USC  
17 §12102, the Rehabilitation Act of 1973, Section 504 (as amended  
18 29 USC §794) and the California Unruh Civil Rights Act, Civil  
19 Code §§51, 52, 54.1, and 54.3, and other statutory measures  
20 which refer to the protection of the rights of "physically  
21 disabled persons." Plaintiff visited the public facilities  
22 owned and operated by Defendants for the purpose of availing  
23 himself of the goods and services offered and provided by  
24 Defendants and/or for the purpose of obtaining removal of  
25 architectural barriers and/or modification of policies,  
26 practices and procedures to provide accessibility to people  
27 with disabilities. Plaintiff was injured in fact, as set forth  
28 more specifically herein.

1 14. Plaintiff alleges that Defendants will continue to  
2 operate public accommodations which are inaccessible to him and  
3 to other individuals with disabilities. Pursuant to 42 USC  
4 §12188(a), Defendants are required to remove architectural  
5 barriers to their existing facilities.

6 15. Plaintiff has no adequate remedy at law for the  
7 injuries currently being suffered in that money damages will  
8 not adequately compensate Plaintiff for the amount of harm  
9 suffered as a result of exclusion from participation in the  
10 economic and social life of this state.

11 16. Plaintiff believes that architectural barriers  
12 precluding Plaintiff full and equal access of the public  
13 accommodation will continue to exist at Plaintiff's future  
14 visits, which will result in future discrimination of  
15 Plaintiff, in violation of the Americans with Disabilities Act.  
16 Plaintiff is currently being subjected to discrimination  
17 because Plaintiff cannot make use of and obtain full and equal  
18 access to the facilities, goods and/or services offered by  
19 Defendants to the general public. Plaintiff seeks damages for  
20 each offense relating to each of Plaintiff's visits to the  
21 subject property when Plaintiff was denied full and equal  
22 access to the subject property or was deterred from attempting  
23 to avail himself of the benefits, goods, services, privileges  
24 and advantages of the place of public accommodation at the  
25 subject property because of continuing barriers to full and  
26 equal access.

27 ///

28 ///

IV.

**FIRST CLAIM FOR  
VIOLATION OF AMERICAN WITH DISABILITIES ACT  
42 USC §12101, et seq.**

17. Plaintiff re-alleges and incorporates by reference each and every allegation contained in paragraphs 1 through 16, inclusive, as though set forth fully herein.

18. Plaintiff was denied full and equal access to Defendants' goods, services, facilities, privileges, advantages, or accommodations within a public accommodation owned, leased and/or operated by Defendants, in violation of 42 USC §12182(a). Plaintiff was, therefore, subjected to discrimination and is entitled to injunctive relief pursuant to 42 USC §12188 as a result of the actions or inaction of Defendants.

19. Among other remedies, Plaintiff seeks an injunctive order requiring compliance with state and federal access laws for all access violations which exist at the property, requiring removal of architectural barriers and other relief as the court may deem proper. Plaintiff also seeks any other order that will redress the discrimination to which he has been subjected, is being subjected and/or will be subjected.

V.

**SECOND CLAIM FOR  
VIOLATION OF CALIFORNIA CIVIL CODE**

20. Plaintiff re-alleges and incorporates by reference each and every allegation contained in paragraphs 1 through 19, inclusive, as though set forth fully herein.

21. Based on the facts plead hereinabove and elsewhere in

1 this complaint, Defendants did, and continue to, discriminate  
2 against Plaintiff and persons similarly situated by denying  
3 disabled persons full and equal access to and enjoyment of the  
4 subject facilities and of Defendants' goods, services,  
5 facilities, privileges, advantages or accommodations within a  
6 public accommodation, in violation of California Civil Code  
7 §§51, et seq., 52, et seq., and 54, et seq.

8       22. Defendants' actions constitute a violation of  
9 Plaintiff's rights under California Civil Code §§51, et seq.,  
10 52, et seq., and 54, et seq. and therefore Plaintiff is  
11 entitled to injunctive relief remedying all such violations of  
12 California access laws and standards. In addition, Plaintiff  
13 is entitled to damages under California Civil Code §54.3 for  
14 each offense. The amount of damages suffered by Plaintiff is  
15 not yet determined. When the amount is ascertained, Plaintiff  
16 will ask the Court for leave to amend this complaint to reflect  
17 this amount. Plaintiff is also entitled to and requests  
18 attorneys' fees and costs.

19       23. The actions of Defendants were and are in violation of  
20 the Unruh Civil Rights Act, California Civil Code §§51, et seq.  
21 and therefore Plaintiff is entitled to injunctive relief  
22 remedying all such violations of California access laws and  
23 standards. In addition, Plaintiff is entitled to damages under  
24 California Civil Code §52 for each offense. The amount of  
25 damages suffered by Plaintiff is not yet determined. When the  
26 amount is ascertained, Plaintiff will ask the Court for leave  
27 to amend this complaint to reflect this amount.

28       24. Plaintiff seeks all of the relief available to him



1 under Civil Code §§51, 52 et seq., 54, 54.1, 54.2, 54.3, and  
2 any other Civil Code Sections which provide relief for the  
3 discrimination suffered by Plaintiff, including damages and  
4 attorneys fees.

5 VI.

6 THIRD CLAIM FOR  
7 VIOLATION OF HEALTH AND  
8 SAFETY CODE §19950, ET SEQ.

9 25. Plaintiff re-alleges and incorporates by reference  
10 each and every allegation contained in paragraphs 1 through 24,  
11 inclusive, as though set forth fully herein.

12 26. Defendants' facilities are public accommodations  
13 within the meaning of Health and Safety Code §19950, et seq.,  
14 and Plaintiff is informed and believes and thereon alleges that  
15 Defendants have newly built or altered the subject property  
16 and/or the subject facility since 1971 within the meaning of  
17 California Health and Safety Code §19959. The aforementioned  
18 acts and omissions of Defendants constitute a denial of equal  
19 access to the use and enjoyment of the Defendants' facilities  
20 by people with disabilities.

21 27. Defendants' failure to fulfill their duties to provide  
22 full and equal access to their facilities by people with  
23 disabilities has caused Plaintiff to suffer deprivation of  
24 Plaintiff's civil rights, as well as other injuries.

25 28. As a result of Defendants' violations of Health and  
26 Safety Code §§19955, et seq., described herein, Plaintiff is  
27 entitled to and requests injunctive relief pursuant to Health  
28 and Safety Code §§19953, and to reasonable attorney's fees and  
costs.

VII.

**FOURTH CLAIM FOR DECLARATORY RELIEF**

29. Plaintiff re-alleges and incorporates by reference each and every allegation contained in paragraphs 1 through 28, inclusive, as though set forth fully herein.

30. An actual controversy now exists in that Plaintiff is informed and believes and thereon alleges that Defendants' premises are in violation of the disabled access laws of the State of California including, but not limited to, Civil Code §§51, et seq., §§52, et seq., §§54, et seq., Health and Safety Code §§19950, et seq., Government Code §§4450, et seq. and 7250, et seq., Title 24 of the California Code of Regulations, and/or Title III of the Americans with Disabilities Act and its implementing Accessibility Regulations.

31. A declaratory judgment is necessary and appropriate at this time so that each of the parties may know their respective rights and duties and act accordingly.

VIII.

**FIFTH CLAIM FOR INJUNCTIVE RELIEF**

32. Plaintiff re-alleges and incorporates by reference each and every allegation contained in paragraphs 1 through 31, inclusive, as though set forth fully herein.

33. Plaintiff will suffer irreparable harm unless Defendants are ordered to remove architectural barriers at Defendants' public accommodation, and/or to modify their policies and practices regarding accommodating people with disabilities. Plaintiff has no adequate remedy at law to redress the discriminatory conduct of Defendants.

34. Plaintiff seeks injunctive relief to redress  
Plaintiff's injuries.

**IX.**

**JURY DEMAND**

35. Pursuant to Rule 38 of the Federal Rules of Civil  
Procedure, Plaintiffs hereby request a jury trial.

WHEREFORE, Plaintiff prays for judgment against the  
Defendants, EUROPEAN CAR SERVICE, ANDREW MACIEJEWSKI, ZENNON  
SMOCZYNSKI and DOES 1 through 10, as follows:

1. For injunctive relief, compelling Defendants to comply  
with the Americans with Disabilities Act, the Unruh  
Civil Rights Act and the Disabled Persons Act. Note:  
the plaintiff is not invoking section 55 of the  
California Civil Code and is not seeking injunctive  
relief under that section;
2. That the Court declare the respective rights and  
duties of Plaintiff and Defendants as to the removal  
of architectural barriers at Defendants' public  
accommodations;
3. An order awarding Plaintiff actual, special and/or  
statutory damages for violation of his civil rights  
and for restitution including, but not limited to,  
damages pursuant to the applicable Civil Code Sections  
including, but not limited to, §§52 and 54.3 for each  
and every offense of Civil Code §§51 and 54;
4. An award of compensatory damages according to proof;
5. An award of up to three times the amount of  
actual damages pursuant to the Unruh Civil

1 Rights Act and the Disabled Persons Act; and

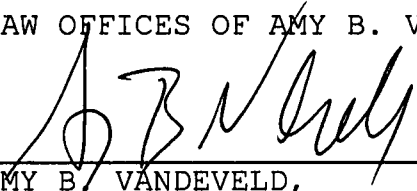
2 6. An order awarding Plaintiff reasonable attorneys' fees  
3 and costs;

4 7. Such other and further relief as the Court deems  
5 proper.

6 DATED:

12/19/07

LAW OFFICES OF AMY B. VANDEVELD

7  
8   
9 AMY B. VANDEVELD,  
Attorney for Plaintiff

**UNITED STATES  
DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA  
SAN DIEGO DIVISION**

**# 145783 - SR  
\* \* C O P Y \* \*  
December 20, 2007  
16:22:20**

**Civ Fil Non-Pris**

USAO #.: 07CV2394 CIV. FIL.

Judge.: LARRY A BURNS

Amount.:

\$350.00 CK

Check#.: BC#3317

**Total-> \$350.00**

**FROM: SPIKES V. EUROPEAN CAR SVC, ET  
CIVIL FILING**

JS-44

(Rev. 07/89)

## CIVIL COVER SHEET

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE SECOND PAGE OF THIS FORM.)

I (a) PLAINTIFFS

KAREL SPIKES,

DEFENDANTS

EUROPEAN CAR SERVICE;  
MACIEJEWSKI; ZENNON, SMOczynski

and DOES 1 THROUGH 10, Inclusive,

(b) COUNTY OF RESIDENCE OF FIRST LISTED PLAINTIFF

San Diego

COUNTY OF RESIDENCE OF FIRST LISTED DEFENDANT  
(IN U.S. PLAINTIFF CASES ONLY)

By: San Diego

(EXCEPT IN U.S. PLAINTIFF CASES)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED

DEPUTY

(c) ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER)

Amy B. Vandeveld, Esq.  
LAW OFFICES OF AMY B. VANDEVELD  
1850 Fifth Avenue, Suite 22  
San Diego, CA 92101 (619) 231-8883

ATTORNEYS (IF KNOWN)

07 CV 2394 LAB WMC

II. BASIS OF JURISDICTION (PLACE AN X IN ONE BOX ONLY)

- ☒ U.S. Government Plaintiff ☒ Federal Question  
(U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant ☐ Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (PLACE AN X IN ONE BOX FOR PLAINTIFF AND ONE BOX FOR DEFENDANT  
(For Diversity Cases Only)

	PT	DEF		PT	DEF
Citizen of This State	<input type="checkbox"/>	<input type="checkbox"/>	Incorporated or Principal Place of Business in This State	<input type="checkbox"/>	<input type="checkbox"/>
Citizen of Another State	<input type="checkbox"/>	<input type="checkbox"/>	Incorporated and Principal Place of Business in Another State	<input type="checkbox"/>	<input type="checkbox"/>
Citizen or Subject of a Foreign Country	<input type="checkbox"/>	<input type="checkbox"/>	Foreign Nation	<input type="checkbox"/>	<input type="checkbox"/>

IV. CAUSE OF ACTION (CITE THE US CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE A BRIEF STATEMENT OF CAUSE. DO NOT CITE JURISDICTIONAL STATUTES UNLESS DIVERSITY).

42 U.S.C. Sections 12101-12111, 11281-12184 and 12201 et. seq.

V. NATURE OF SUIT (PLACE AN X IN ONE BOX ONLY)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<ul style="list-style-type: none"> <li>110 Insurance</li> <li>120 Marine</li> <li>130 Miller Act</li> <li>140 Negotiable Instrument</li> <li>150 Recovery of Overpayment &amp; Enforcement of Judgment</li> <li>151 Medicare Act</li> <li>152 Recovery of Defaulted Student Loans (Excl. Veterans)</li> <li>153 Recovery of Overpayment of Veterans Benefits</li> <li>160 Stockholders Suits</li> <li>190 Other Contract</li> <li>195 Contract Product Liability</li> </ul>	<p><b>PERSONAL INJURY</b></p> <ul style="list-style-type: none"> <li>310 Airplane</li> <li>315 Airplane Product Liability</li> <li>320 Assault, Libel &amp; Slander</li> <li>330 Federal Employers' Liability</li> <li>340 Marine</li> <li>345 Marine Product Liability</li> <li>350 Motor Vehicle</li> <li>355 Motor Vehicle Product Liability</li> <li>360 Other Personal Injury</li> </ul> <p><b>PERSONAL INJURY</b></p> <ul style="list-style-type: none"> <li>362 Personal Injury - Medical Malpractice</li> <li>365 Personal Injury - Product Liability</li> <li>368 Asbestos Personal Injury Product Liability</li> </ul> <p><b>PERSONAL PROPERTY</b></p> <ul style="list-style-type: none"> <li>370 Other Fraud</li> <li>371 Truth in Lending</li> <li>380 Other Personal Property Damage</li> <li>385 Property Damage - Product Liability</li> </ul>	<ul style="list-style-type: none"> <li>610 Agriculture</li> <li>620 Other Food &amp; Drug</li> <li>625 Drug Related Seizure of Property 21 USC 881</li> <li>630 Liquor Laws</li> <li>640 RR &amp; Truck</li> <li>650 Airline Regs</li> <li>660 Occupational Safety/Health</li> <li>690 Other</li> </ul> <p><b>LABOR</b></p> <ul style="list-style-type: none"> <li>710 Fair Labor Standards Act</li> <li>720 Labor/Mgmt. Relations</li> <li>730 Labor/Mgmt. Reporting &amp; Disclosure Act</li> <li>740 Railway Labor Act</li> <li>790 Other Labor Litigation</li> <li>791 Empl. Ret. Inc. Security Act</li> </ul>	<ul style="list-style-type: none"> <li>422 Appeal 28 USC 158</li> <li>423 Withdrawal 28 USC 157</li> </ul> <p><b>PROPERTY RIGHTS</b></p> <ul style="list-style-type: none"> <li>820 Copyrights</li> <li>830 Patent</li> <li>840 Trademark</li> </ul> <p><b>SOCIAL SECURITY</b></p> <ul style="list-style-type: none"> <li>861 HIA (13958)</li> <li>862 Black Lung (923)</li> <li>863 DIWC/DIWW (405(g))</li> <li>864 SSID Title XVI</li> <li>865 RSI (405(a))</li> </ul> <p><b>FEDERAL TAX SUITS</b></p> <ul style="list-style-type: none"> <li>870 Taxes (U.S. Plaintiff or Defendant)</li> <li>871 IRS - Third Party 26 USC 7619</li> </ul>	<ul style="list-style-type: none"> <li>410 State Reappointment</li> <li>410 Antitrust</li> <li>430 Banks and Banking</li> <li>450 Commerce/ICC Rates/etc.</li> <li>460 Deportation</li> <li>470 Racketeer Influenced and Corrupt Organizations</li> <li>810 Selective Service</li> <li>850 Securities/Commodities Exchange</li> <li>875 Customer Challenge 12 USC</li> <li>891 Agricultural Acts</li> <li>892 Economic Stabilization Act</li> <li>893 Environmental Matters</li> <li>894 Energy Allocation Act</li> <li>895 Freedom of Information Act</li> <li>900 Appeal of Fee Determination Under Equal Access to Justice</li> <li>950 Constitutionality of State</li> <li>890 Other Statutory Actions</li> </ul>
<p><b>REAL PROPERTY</b></p> <ul style="list-style-type: none"> <li>210 Land Condemnation</li> <li>220 Foreclosure</li> <li>230 Rent Lease &amp; Ejectment</li> <li>240 Tort to Land</li> <li>245 Tort Product Liability</li> <li>290 All Other Real Property</li> </ul>	<p><b>CIVIL RIGHTS</b></p> <ul style="list-style-type: none"> <li>441 Voting</li> <li>442 Employment</li> <li>443 Housing/Accommodations</li> <li>444 Welfare</li> <li>440 Other Civil Rights</li> </ul>	<p><b>PRISONER PETITIONS</b></p> <ul style="list-style-type: none"> <li>510 Motions to Vacate Sentence Habeas Corpus</li> <li>530 General</li> <li>535 Death Penalty</li> <li>540 Mandamus &amp; Other</li> <li>550 Civil Rights</li> <li>555 Prisoner Conditions</li> </ul>		

VI. ORIGIN (PLACE AN X IN ONE BOX ONLY)

- ☒ Original Proceeding ☐ 2 Removal from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from another district (specify) ☐ 6 Multidistrict Litigation ☐ 7 Appeal to District Judge from Magistrate Judgment

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER f.r.c.p. 23

DEMAND \$ To be determined at trial

Check YES only if demanded in complaint:

JURY DEMAND: ☒ YES ☐ NO

VIII. RELATED CASE(S) IF ANY (See Instructions):

JUDGE

DATE

12/18/07

SIGNATURE OF ATTORNEY OF RECORD

# 145783 9350

12/20/07

ODMA\PCDOCS\WORDPERFECT\22816\ January 24, 2000 (3:10pm)